

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMELLE RUSSELL,

Plaintiff,

v.

NORWEIQA, *et al.*,

Defendants.

Case No. 3:20-CV-00350-MMD-CLB

**ORDER DENYING MOTIONS FOR
DEFAULT AND DEFAULT JUDGMENT**

[ECF Nos. 36, 37]

Before the Court are Plaintiff Jamelle Russell's ("Russell") motions for default and default judgment as to Defendant Jacob Cruz ("Cruz"). (ECF Nos. 36, 37.) Defendants filed a notice in response to these filings advising Cruz has been dismissed from this case. (ECF No. 38.)

The Office of the Attorney General ("AG") did not accept service on behalf of Cruz who is a former employee of the Nevada Department of Corrections. (ECF No. 14.) The AG filed the last known address of Cruz under seal. (ECF No. 15.) Thereafter, this Court issued a summons and ordered the U.S. Marshal ("USM") to attempt service on Cruz at his last known address. (ECF No. 17.) On October 7, 2021, the summons was returned unexecuted by the USM with a note that stated Cruz "no longer lives at address." (ECF No. 19.)

On January 25, 2022, the Court sent to Russell a notice of intent to dismiss Cruz for failure to serve pursuant to Fed. R. Civ. P. 4(m). (ECF No. 33.) Russell was given until February 24, 2022 to file proof of service with the Clerk. (*Id.*) No proof of service was filed, and Cruz was dismissed from this action on February 28, 2022. (ECF No. 34.)

Therefore, Russell's motions for default and default judgment are **DENIED as moot.** (ECF No. 36, 37.)

DATED: May 3, 2022.


UNITED STATES MAGISTRATE JUDGE